



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,675	02/01/2002	James G. Norman JR.	66475/31300	1732
21888 7590 07/10/2009 THOMPSON COBURN LLP ONE US BANK PLAZA SUITE 3500 ST LOUIS, MO 63101				
EXAMINER				
LE, LINH GIANG				
ART UNIT		PAPER NUMBER		
3686				
MAIL DATE		DELIVERY MODE		
07/10/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

*Ex parte* JAMES G. NORMAN JR.

---

Appeal 2009-002942  
Application 10/061,675  
Technology Center 3600

---

Mailed: July 10, 2009

---

Before DALE M. SHAW, *Chief Appeals Administrator*  
SHAW, *Chief Appeals Administrator*.

ORDER REMANDING APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on December 11, 2008. A Docketing Notice was mailed and Appeal No. 2009-002942 was assigned on February 3, 2009. A review of the application has revealed that the application was not ready for an appeal. Accordingly, the application is herewith being remanded to the Examiner. The matter requiring attention is identified below.

### APPEAL BRIEF, APPEALED CLAIMS

Appellant has not appealed all rejected claims. Specifically, a review of the Grounds of Rejection on the record finds that rejections are outstanding for the following pending claims 1-30. The rejected claims that have not been appealed and/or argued for appeal are claims 15-18 and 20-30.

### DISCUSSION

The Board of Appeals and Interferences (Board), in *Ex parte Ghuman*, <http://www.uspto.gov/web/offices/dcom/bpai/prec/rm081175.pdf> (BPAI May 14, 2008) (precedential), held that in appeals where rejected claims are expressly withdrawn, or are implicitly withdrawn by not presenting arguments in support of patentability, the Board will remand (or return) the application to the Examiner with instructions to cancel the expressly or implicitly withdrawn claims. *See also Manual of Patent Examining Procedure* (MPEP) § 1215.03 (8<sup>th</sup> ed. Rev. 7, Sept 2008).

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) to enter a paper canceling claims 15-18 and 20-30; and
- 2) upon entry of the paper, to return the application to the Board for the consideration of appealed claims;

If there are any questions pertaining to this order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

babc

Appeal 2009-002942  
Application 10/061,675

THOMPSON COBURN LLP  
ONE US BANK PLAZA  
SUITE 3500  
ST LOUIS MO 63101